



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 7, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Paul J. Escobar arrived at 9:35 a.m. and left at 11:30 a.m. The Meeting was called to order at 9:08 a.m. and the invocation was delivered by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken regarding - I want to voice my concerns about the chronic problems of the Sun Metro bus system that have not been solved even with constant complaints from the public; and this situation affects, in many aspects, the people of El Paso, especially economically.

Ms. Martha A. Saucedo, citizen, commented on the lack of Sun Metro bus service particularly the Festival/Carousel area on the Westside of town. She explained that service to this area had been suspended years ago and that riders must walk further distances to the next available bus stop, their homes or apartments. She asked for solutions and that the service to this particular area be reinstated. She commented on the construction for the new bus terminal to be located on the Westside and asked that instead of building this new terminal, more buses are purchased. Additionally, she requested police assistance in the evening for those individuals who must walk those longer distances to their homes or apartments.

Mayor Caballero thanked Ms. Salcedo for expressing her concerns and dissatisfactions and added that the City was limited in its resources but that Council Members were concerned. He added that the City was striving to provide better transportation services and that Sun Metro had upgraded and modernized its fleet of buses.

Mr. Terry Lee Scott, Director of Mass Transit, remarked that the Sun Metro Department was not satisfied with the quality of buses and service its riders; however, the Department had recently purchased 40 new buses to improve the Para Transit operations. He explained that the Department had submitted a request for proposal to purchase 35 new buses for the fixed route service. He discussed the different funding sources utilized by the Mass Transit Department and added that Congress provided \$1 million dollars per year to purchase new buses for the fixed route and Para transit operations. He stated that in the past, buses had been vandalized in the area of Carnival and Festival and added that the Department strived to protect its passengers, drivers and property. He closed by stating that the Sun Metro Department would work with neighborhoods and the Police Department to ensure the safety of its passengers.

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MAYOR'S PROCLAMATIONS

1. Crime Stoppers Month
2. Honorary Citizenship Certificates for International Military Students

***Motion made, seconded and unanimously carried to postpone one (1) week the Mayor's Proclamation for "Seatbelt Awareness Month".**

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to recess the City Council Meeting at 9:28 a.m. to discuss the Special Mass Transit Board Meeting.

Representative Escobar was not present for the vote.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to reconvene the City Council Meeting at 9:30 a.m. from the Special Mass Transit Board Meeting.

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council be authorized to accept a donation of three (3) 25 Cubic Yard rolloff containers on behalf of the City of El Paso Solid Waste Management. El Paso Electric Company is donating the rolloff containers to assist in the City of El Paso's effort in recycling and providing containers for bulk solid waste.

Ms. Emma Acosta, Director of Solid Waste Management, accepted the donation of the rolloff containers from the El Paso Electric Company and amended the resolution to add that the company was also donating mulch for the community's use, to be picked up at any of the collection sites located throughout El Paso. See the next Resolution.

Representative Sumrall questioned whether the Solid Waste Management Department recycled metal trashcan receptacles.

Ms. Acosta noted that the Solid Waste Department had recycled all plastic and metal trash receptacles brought by citizens to the recycling sites and added that during the distribution of the new trash receptacles, a recycling campaign was initiated to recycle citizen's old trash receptacles.

Mr. Gary Hedrick, El Paso Electric Company representative, remarked that the Company was pleased to make the donations and partner with the Solid Waste Department. He thanked Ms. Acosta and Mr. Luis Ito, Manager of Environmental Safety for El Paso Electric Company. He stated that the containers would assist the Solid Waste Department in their efforts to recycle and the mulch would be utilized environmentally.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to accept the donation and approve the above Resolution.

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council be authorized to accept, pursuant to a floor amendment, a donation of mulch on behalf of the City of El Paso Solid Waste Management. El Paso Electric Company, in its power line pruning efforts, is donating mulch to assist in the City of El Paso's effort in recycling and conservation by providing mulch for the City of El Paso's use and to the general public.

See the discussion for the previous approved Resolution.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to accept the donation and approve the above Resolution.

Representative Escobar was not present for the vote.

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to an Agreement for Engineering Services by and between the **City of El Paso** and **Structural Engineering Associates, Inc.**, for a project known as **"Rehabilitation of Stanton Street Bridge and Santa Fe Bridge Toll Facility"** for an amount not to exceed THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00).

Motion made, seconded and unanimously carried move to the regular agenda a Resolution approving the City of El Paso's Legislative Agenda for the 78th Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding Legislation in the 78th Texas Legislature and actions before State Administrative Agencies

Ms. Rita Rodriguez, City Attorney, requested a postponement.

Mayor Caballero, Representative Cobos and Mr. Charlie McNabb, Chief Administrative Officer, commented.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone one (1) week the Resolution approving the City of El Paso's Legislative Agenda for the 78th Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding Legislation in the 78th Texas Legislature and actions before State Administrative Agencies.

Representative Escobar was not present for the vote.

***RESOLUTION**

WHEREAS, the City Council has authorized the City Attorney or her designee to negotiate with the owners of the Property legally described as being a Replat of Lots 1-15, Block 23, and all of Lots 8-4, Block 22 and Plata Street Brentwood Heights (recorded in Volume 5, Page 17 Plat Records) and all of Lots 4-8 and Rosa Street Medina Subdivision (recorded in Volume 6, Page 17, Plat Records) and all of Tracts 3A and 3B, Elijah Bennett Survey 11, City of El Paso, El Paso County, Texas, containing 2.494 acres and municipally known and numbered as 5100 Gateway East, El Paso, Texas; and

WHEREAS, the City Council finds that it is in the interest of the citizens and serves a public purpose to purchase the property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services by and between the CITY OF EL PASO and RALPH SELLERS & ASSOCIATES for an appraisal to establish value for the Property legally described as being a Replat of Lots 1-15, Block 23, and all of Lots 8-4, Block 22 and Plata Street Brentwood Heights (recorded in Volume 5, Page 17 Plat Records) and all of Lots 4-8 and Rosa Street Medina Subdivision (recorded in Volume 6, Page 17, Plat Records) and all of Tracts 3A and 3B, Elijah Bennett Survey 11, City of El Paso, El Paso County, Texas, containing 2.494 acres and municipally known and numbered as 5100 Gateway East, El Paso, Texas.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: DERRICK & SCHAEFER INC. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

400 Block of San Blas Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 40 (38700 SQ FT), Block 6, Sandcastle Subdivision, Parcel S102-999-0060-9700

to be FIVE HUNDRED TWENTY AND 68/100 DOLLARS (\$520.68) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty First day of May, 2001 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of Five Hundred Twenty and 68/100 Dollars (\$520.68) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, Ordinance No. 9722, as amended by Ordinance No. 11532, specifies the duties of the Advisory Board for the El Paso Museum of History; and

WHEREAS, among the duties of the Board is to make recommendations to the Mayor and City Council on matters concerning the operation of the El Paso Museum of History; and

WHEREAS, the Board has reviewed the attached Policy Manual, covering Museum policies for governance, collections, exhibit/public programs, and private sector fund raising and providing a code of ethics for governance, collections, and programs for the Museum, and recommends that such Policy Manual be adopted by City Council and implemented by the El Paso Museum of History;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Policy Manual for the El Paso Museum of History is hereby adopted, and that the El Paso Museum of History is directed to implement such Policy Manual with respect to Museum policies for governance, collections, exhibit/public programs, and private sector fund raising, and with respect to a code of ethics for governance, collections, and programs for the Museum.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **City of El Paso** and **Dorado Engineering, Inc.**, for a project known as **"Retrofitting of Municipal Separate Storm Sewer System for Water Quality"** for an amount not to exceed FIFTEEN THOUSAND THREE HUNDRED ELEVEN and NO/100 DOLLARS (15,311.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **City of El Paso** and **Martinez Engineering Group, Inc.**, for a project known as **"Fixed Base Operator Ramp at El Paso International Airport"** for an amount not to exceed THIRTEEN THOUSAND THREE HUNDRED SEVENTY-ONE and 78/100 DOLLARS (13,371.78).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Gail Rigby covering an exhibit of "Antique Frames" at the Clardy Fox Branch of the El Paso Public Library System for the period of January 8 through February 1, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the Parks & Recreation Department, and YWCA - CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at Nolan Richardson Community Center, more particularly described as 4435 Maxwell, El Paso, Texas, 79912.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 4th day of February, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9105 Enfield Way, in El Paso, Texas, which property is more particularly described as:

Lot: 2, Block 4, Lancaster Addition Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 35, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, The Bank of New York, 3815 South West Temple, Salt Lake City, Utah 84115-4412, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Recreation Leader II (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Clerk's Office

Add	1.00	VOE Temporary Clerk	NG
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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID # 1997-999-0489-0042, \$227.39 per month installments on a balance of \$2,728.68 for 1998,1999, 2000 & 2001; Big Dog Comics & Cards % Jesus Alvarado – 3117 McRae.
- B. PID # 0821-999-0077-0034, \$240.93 per month installments on a balance of \$2,891.16 for 1996, 1997, 1998, 1999, 2000 & 2001; Del's Dental Lab % Raul Delgado – 2403 Yandell.
- C. PID # S533-000-0210-17C0, \$277.30 per month installments on a balance of \$3,327.60 for 2000 & 2001; Sylvia M. Carbajal – 670 Winn Rd.
- D. PID # 0698-999-2004-0000, \$595.58 per month installments on a balance of \$4,764.64 for 2001; Wheelchair & Walker Rentals In – 611 Montana.
- E. PID # L215-000-0020-0800, \$422.94 per month installments on a balance of \$10,150.56 for 1994, 1995, 1997, 1999, 2000 & 2001Eduardo & Lidia Rodriguez – 3571 Krag St.
- F. PID # V342-999-0060-7000, \$473.12 per month installments on a balance of \$5,677.44 for 1996, 1997 & 2001; Marta K. Provenghi – 6409 Cheyenne Trl.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Lawyers Title of El Paso, in the amount of \$3,164.58; overpayment of 2002 taxes.
(PID # M806-999-0010-7100)
- B. Stewart Title, in the amount of \$1,414.20, overpayment of 2001 taxes.
(PID # P131-999-0010-0900)
- C. Lawyers Title Co., in the amount of \$1,349.96; overpayment of 2000 taxes.
(PID # P448-999-001P-6100)
- D. Stewart Title Co., in the amount of \$2,118.85; overpayment of 2002 taxes.
(PID # P654-999-1320-0100)
- E. Lawyers Title of El Paso in the amount of \$3,647.89; overpayment of 2002 taxes.
(PID # T281-999-0070-8900)
- F. Stewart Title, in the amount of \$1,907.18; overpayment of 2002 taxes.
(PID # V893-999-3590-2600)

Motion made, seconded and unanimously carried to move to the regular agenda the request that the Director of Purchasing be authorized to exercise the City's Option "C" to purchase additional quantities pursuant to the terms of Contract No. 2002-180 for Police Motorcycles.

Department:	Police Department
Funds Available:	04252003-508006-PMB0004130
Funding Source:	FY2003 Certificates of Obligation
Item:	1 (10 each)
Award Amount:	\$122,890.00

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to authorize the Director of Purchasing to exercise the City's Option "C" to purchase additional quantities pursuant to the terms of Contract No. 2002-180 for Police Motorcycles.

Department: Police Department
Funds Available: 04252003-508006-PMB0004130
Funding Source: FY2003 Certificates of Obligation
Item: 1 (10 each)
Award Amount: \$122,890.00

Police Chief Carlos Leon expressed his gratitude for being so supportive of public safety.
Mayor Caballero commended Council and staff for being so responsible with the resources.

Representative Escobar was not present for the vote.

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Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2002-208 Household Hazardous Waste Disposal Services (Rebid).

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to move into executive session of the regular agenda Bid No. 2002-208 Household Hazardous Waste Disposal Services (Rebid). Representative Escobar was not present for the vote.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to reject all bids for Bid No. 2002-208 Household Hazardous Waste Disposal Services (Rebid)

Award to: Rinchem Company, Inc.
Dallas, Texas
Item (s): All
Amount: \$65,000.00 (estimated annually)
Department: Solid Waste Management
Funds available: 34010289-40403-502215
Funding source: Outside Contracts
Total award: \$65,000.00 (estimated annually)

Solid Waste Management and Purchasing recommend award as indicated, as this vendor has provided the Best Value Procurement and meets specifications.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one (1) additional year.

Representative Sumrall abstained from voting. Representative Escobar was not present for the vote.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-011 Rivera Avenue Street & Drainage Improvements

Contractor: C. F. Jordan L. P.
El Paso, Texas
Department: Engineering
Funds Available: 71150069/ G7127CD0026/ 07743/-508027
Funding Source: Community Development Grant
Items: Base Bid I \$816,437.00
Base Bid II \$ 70,382.50
Base Bid IIA \$ 1,242.50
Base Bid III \$ 63,244.00
Base Bid IIIA \$ 963.20
Total Award: \$952,269.20

The Departments of Purchasing, Engineering, and Community Development recommend the award of this contract to C. F. Jordan L. P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-018 Arlen Drive and Roberts Drive Street & Drainage Improvements

Award to:	C.F. Jordan L.P.	
	El Paso, Texas	
Item (s):	Base Bid I	\$270,670.00
	Base Bid IA	\$ 565.60
	Base Bid II	\$ 30,141.00
	Base IIA	\$ 892.50
	Base III	\$ 14,598.80
	Base IIIA	\$ 318.50
	Alternate No. 2	\$ 40,650.00
	Alternate No. 2A	\$ 93.80
Total Amount:		\$357,930.20
Department:	Street	
Funds available:	71150069-G7127CD0017-508027	
Funding source:	Community Development Grant	
Total award:	\$357,930.20	

The Departments of Purchasing, Engineering and Street recommend the award of this contract to C.F. Jordan L.P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorizes to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2003-257 MUSEUM OF ART.

Representative Sumrall asked questions regarding the sales revenue and if the museum would be incorporating a coffee shop.

Ms. Becky Duval Reese, Art Museum Director, responded that \$48,000 worth of merchandise in sales since September 2002, and that the museum is still working on funding for the coffee and sandwich shop.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve budget transfer BT2003-257 MUSEUM OF ART

To appropriate funds for the purchase of merchandise – sales to the public.

Increase	\$20,000	to	54500028/50110/404306	Sales to Pub
Increase	\$20,000	to	54500028/50110/503102	Promo Sup

Representative Escobar was not present for the vote.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-271 AIRPORT

Set up funding for repair of t-hanger roofs to be done by Airport employee.

Increase	\$100,000	to	62620024/PAP002241060/508027	Construction
Increase	\$100,000	to	62620024/PAP002241060/407001	IntrafundTransferIn
Increase	\$100,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$100,000	to	62620018/P50000241021/507001	IntrafundTransferOut

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*Motion made, seconded and unanimously carried to approve budget transfer BT2003-277 AIRPORT
Transfer of appropriation to fund acquisition of new tires for Aircraft Rescue Firefighting equipment.

Increase	\$42,000	to	62620010/40101/502225	EquipMaintPubSaf
Increase	\$42,000	to	62620010/40101/407001	IntrafundTransfln
Increase	\$42,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$42,000	to	62620018/P50000241021/507001	IntrafundTransfOut

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*Motion made, seconded and unanimously carried to delete budget transfer BT2003-279 MASS TRANSIT
Transfer appropriation from various accounts to Dept ID 60600005, Account 502206 (Janitorial) to cover costs for remainder of fiscal year.

Decrease	\$40,000	from	60600009/40345/502206	MaintServCntsJant
Increase	\$40,000	to	60600005/40345/502206	MaintServCntsJant
Decrease	\$ 5,000	from	60600009/40345/502226	Bldgs&FacMaintCnts
Increase	\$ 5,000	to	60600005/40345/502206	MaintServCntsJant
Decrease	\$ 5,000	from	60600009/40345/503111	CleanSup
Increase	\$ 5,000	to	60600005/40345/502206	MaintServCntsJant

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The City Clerk read the following ordinances into the record as they would be considered together:

1. An Ordinance repealing Ordinance 14996, which created Tax Incremental Finance (TIF) District #2.
2. An Ordinance repealing Ordinance 14999, which created Tax Incremental Finance (TIF) District #3.

Representative Cobos read information into the record from Vernon's Texas Civil Statutes, Chapter 311 – Tax Code, Section 311.013, subsections “(f)” and “(h)”. He explained that House Bill 2025 had created the Border Health Institute (BHI) and its governing board. He made comments regarding the Board of Directors for TIF Districts 2 and 3 and subsequently asked for a repeal of TIF District 3. He suggested offering tax abatements to the property owners in the downtown area in an effort to revitalize downtown El Paso. He moved to repeal TIF Districts 2 and 3.

Representative Power stated that TIF Districts work when a plan is utilized; however, currently no such plan existed and added that it would be very irresponsible of him to act “on faith” and subsequently seconded Representative Cobos’ motion to repeal TIF Districts 2 and 3.

At this time, public comment was taken.

Ms. Lisa Turner, citizen, asked Council Members to think progressively and move El Paso forward. She noted that the City had yet to appoint an Economic Development Director that could work on a plan. She asked the City to move forward and make a decision surrounding the TIF Districts, the BHI, four-year medical and children's hospital issues.

Mayor Caballero noted that misinformation had been circulated and clarified that the BHI Board had been statutorily created; however, TIF Districts 2 and 3 each would have their own appointed Board Members.

Representative Cook explained that he drafted the ordinances to repeal the TIF Districts; however, he asked that a mandated plan be presented within either six or nine months.

Mayor Caballero explained that only a TIF Board could act on the creation of a plan.

Representative Power agreed with Representative Cook’s suggestion and asked that the TIF Board be given six months to devise a plan to utilize the TIF funds when established; however, he added a caveat whereas failure to come up with said plan would result in dissolution of the TIF District(s).

Mayor Caballero stated each Council Member would be making appointments to the TIF Board(s).

Representative Sumrall remarked that when the TIF Districts had been established, Council Members understood that the Districts would be governed by a Board and requested that a criteria be drafted to assist Council Members in making their appointment selections.

Representative Medina explained that the Greater El Paso Chamber of Commerce had referenced the statute, as read by Representative Cobos, in their PowerPoint presentation made before Council Members. He asked that board appointees make up a cross section of the citizens of El Paso. He added that suggestions to raise the economic status in the TIF Districts had not been received.

Representative Power reminded Council Members that it would be irresponsible to continue TIF discussions without a “plan”.

Ms. Patricia Aduato, Director of Planning, Research and Development, clarified that since October 2001, the Planning Department has been meeting on a monthly basis with the Border Health Institute to formulate a plan for the BHI as the City was named the Master Developer. She noted that for TIF District 2, several elements had been completed and a plan was underway but they could not continue without a board.

Mr. Alfonso Bautista, citizen, requested that the city help the elderly and pay fair market value for their properties.

Mr. Ken Schillinger, Downtown Management District, stated there was a misconception that a TIF district is a plan, it should be the other way around, plan then TIF, not TIF and then plan. He then commended Representatives Power and Cobos for speaking up. He agreed with the repeal and the creation of a plan.

Mr. Bob Cook, El Paso Chamber of Commerce, commented.

Representative Power reiterated on the stipulations mentioned before and gave the example of property owners having difficulty to sell a property if the TIF cloud is on the property without a plan, or vice-versa.

Ms. Theresa Caballero, citizen, spoke in opposition of the TIFs due to lack of a plan.

Mr. Larry Johnson, Environmental Manager at ASARCO Plant, stated that ASARCO does not want to be part of the TIF #3. He requested that the city remove ASARCO from the TIFs or repeal the TIF. They are in the process of developing a buyable plan, clean up, etc. ASARCO wants to protect its investment.

Ms. Vivian Rojas, citizen, stated that the El Paso Coalition did a research where they found out the many things that the money cannot be used for. Property owners have not yet received information, or notices that their property is in the TIF districts.

Ms. Carol Trujillo, citizen in TIF #2, stated that she heard about her property on TIF #2 by word of mouth and not by the City. She asked if it was still possible to get the hospital and medical school without the TIFs.

Motion made by Representative Cobos, seconded by Representative Power and not carried to approve passage of an Ordinance repealing Ordinance 14996, which created Tax Incremental Finance (TIF) District #2.

Motion made by Representative Cobos, seconded by Representative Power and not carried to approve passage of an Ordinance repealing Ordinance 14999, which created Tax Incremental Finance (TIF) District #3.

AYES: Representatives Power, Sariñana and Cobos
NAYS: Representatives Sumrall, Rodriguez, Medina, Cook and Escobar

.....
ORDINANCE 15324

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14996 (WHICH CREATED TAX INCREMENT FINANCING DISTRICT NUMBER TWO (NO. 2)) AND ORDINANCE NO. 15302 (WHICH AMENDED THE COMPOSITION OF THE BOARD OF DIRECTORS AND THE TAXES TO BE INCLUDED IN THE TAX INCREMENT FUND), BY AMENDING SECTION 13 CONCERNING THE TERMINATION DATE AND SECTION 10.3 TO LIMIT THE POWERS OF CITY COUNCIL TO EXERCISE POWERS OF EMINENT DOMAIN OF PROPERTY LOCATED WITHIN THE TIF DISTRICT, AND PROVIDING A SEVERABILITY CLAUSE.**

Ms. Sylvia Borunda-Firth, Assistant City Attorney, read revisions to the Ordinance into the record, adding Section 13.01 and amending Section 10.3, as follows:

- 2. That Sec. 1301 be added to Ordinance No. 14996 to read as follows:
- 3. Sec. 13.01 An ordinance amendment to repeal Ordinance No. 14996 will automatically be placed on the City Council agenda for consideration in the event the TIF Board of Directors for Tax Increment Financing District No. 2 fails to present a project plan for TIF District No. 2 to City Council on or before the expiration of nine (9) months from the date the Board is fully constituted and holds its first meeting.

3. That Sec. 10.3 is hereby amended to read as follows:

Sec. 10.3 The City Council shall have all powers available to it pursuant to Texas Tax Code Sec. 311.008; provided however, the City Council will not exercise powers of eminent domain to acquire property within the TIF District for any TIF projects until after the expiration of two (2) years from the date the City Council approves the project plan for TIF District No. 2. This prohibition will not apply to street and drainage projects or any other municipal projects that are determined by the City Council to meet a public purpose.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Escobar
NAYS: Council Members Sariñana and Cobos Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15324 and 15325 were discussed together.

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ORDINANCE 15325

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14999 (WHICH CREATED TAX INCREMENT FINANCING DISTRICT NUMBER THREE (NO. 3)) AND ORDINANCE NO. 15303 (WHICH AMENDED THE COMPOSITION OF THE BOARD OF DIRECTORS AND THE TAXES TO BE INCLUDED IN THE TAX INCREMENT FUND), BY AMENDING SECTION 13 CONCERNING THE TERMINATION DATE AND SECTION 10.3 TO LIMIT THE POWERS OF CITY COUNCIL TO EXERCISE POWERS OF EMINENT DOMAIN OF PROPERTY LOCATED WITHIN THE TIF DISTRICT, AND PROVIDING A SEVERABILITY CLAUSE.**

Ms. Sylvia Borunda-Firth, Assistant City Attorney, read revisions to the Ordinance into the record, adding Section 13.01 and amending Section 10.3, as follows:

2. That Sec. 1301 be added to Ordinance No. 14999 to read as follows:

Sec. 13.01 An ordinance amendment to repeal Ordinance No. 14999 will automatically be placed on the City Council agenda for consideration in the event the TIF Board of Directors for Tax Increment Financing District No. 3 fails to present a project plan for TIF District No. 3 to City Council on or before the expiration of nine (9) months from the date the Board is fully constituted and holds its first meeting.

3. That Sec. 10.3 is hereby amended to read as follows:

Sec. 10.3 The City Council shall have all powers available to it pursuant to Texas Tax Code Sec. 311.008; provided however, the City Council will not exercise powers of eminent domain to acquire property within the TIF District for any TIF projects until after the expiration of nine (9) months from the date the City Council approves the project plan for TIF District No. 3. This prohibition will not apply to street and drainage projects or any other municipal projects that are determined by the City Council to meet a public purpose.

Motion made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15326

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Medina, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15327

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 7B, BLOCK 35, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (BETWEEN LOOP 375 AND INDEPENDENCE DRIVE) FROM R-F (RANCH AND FARM) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cook, at the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15328

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 13 AND 14, J. L. JOHANNSEN SURVEY NO. 185, EL PASO, EL PASO COUNTY, TEXAS (5940 DONIPHAN DRIVE) FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall asked if there was any opposition.

Ms. Patricia Aduato, Director of Planning, Research and Development, replied that there is no opposition.

Mr. Bahram Shirazi, applicant/representative, stated that the property would be used as a car lot.

Representative Sumrall commented on lighting in that area.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar and Sariñana
NAYS: None Absent: None

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15329

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15314, PERMITTING EL PASO GOLDEN GLOVES TO USE THE CAROLINA RECREATION CENTER FROM FEBRUARY 7, 2003, THROUGH FEBRUARY 9, 2003, PURSUANT TO THE TERMS OF A CO-SPONSORSHIP AGREEMENT.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

The City Clerk read the following Ordinance into the record: An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, Chapter 20.02 (General Provisions and Definitions), Article II. (Definitions), by amending Sections 20.02.02.408 (Kennel) to delete the number of animals permitted on a premises. The penalty being as provided in Section 20.68.010 of the Code.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to:

- delete the item
- refer the matter to the City of El Paso Health Legislative Review Committee after it has been approved by the El Paso City-County Board of Health
- and bring the proper amendments back to the City Council in 150 days or the nearest City Council Meeting to the 150 days.

Representative Cook expressed his problems with nuisance.

Dr. Lee Hutchison, explained that the ordinance will be re-drafted due to changes in legislature regarding state rabies vaccination, and that it will have to go to the City-County Health Legislative review.

Mr. Charlie McNabb, Chief Administrative Officer, explained the difficulties on prosecuting for nuisance and that neighbor statements are needed.

Representative Sumrall commented.

Representative Rodriguez requested that a Legislative Review meeting be held before bringing the Ordinance back to Council to get public input.

Representative Medina suggested limiting the number of pets and only issue special permits above the limit with stipulations.

Ms. Lisa Turner, citizen, stated that limitations should be set to irresponsible pet owners.

Mr. Roland Smith, citizen, commented on the City Plan Commission meeting on December 5, 2002 to discuss this issue.

NOTE: This item was taken together with the following item - Discussion and action to direct City staff to prioritize work on an amendment to the El Paso Municipal Code regarding nuisance regulations as related to animals.

*Motion made, seconded and unanimously carried to postpone two (2) weeks the Public hearing to determine if the property located at 819 Bolivia Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Joe Crnkovich and Myrtle C. Crnkovich, 819 Bolivia Street, El Paso, Texas 79903, have been notified of the violations at this property. The property located at 819 Bolivia has due taxes in the amount of \$4,979.52.

*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 1410 Delta Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Jose L. Rivera and Guillermina Rodriguez, 1410 Delta Drive, have been notified of the violations at this property. The property located at 1410 Delta Drive had due taxes in the amount of \$1,482.33.

*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 3737 Fred Wilson Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Maria C. Sanora & Isabel Medina, 1994 Blake, Los Angeles, CA, 90039-3834, have been notified of the violations at this property.

Motion made by Representative Cook, seconded by Representative Power and carried to postpone two (2) weeks the Public hearing to determine if the property located at 2322 Silver Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Ruben Anguiano, 2330 Montana Avenue, El Paso, Texas 79903, have been notified of the violations at this property. Taxes due in the amount of \$3,714.25.

AYES: Representative Rodriguez, Medina, Cook, Power Sariñana and Cobos
NAYS: Representative Sumrall
NOT PRESENT: Representative Escobar

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Mr. Ruben Anquiano, property owner, asked for time as he stated he had only received notice this past Saturday.

Mayor Caballero commented on the inconvenience this property has been for the past two years to the neighbors who do keep up with their properties.

Representatives Sumrall and Sariñana asked about taxes and requested that the property owner make arrangements on the taxes due.

Representative Rodriguez stated that she was a strong advocate on cleanliness.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to direct the Planning, Research and Development Department to initiate the process to remove the minor arterial designation of River Bend Drive from Frontera Avenue to Sunland Park Drive and to direct the City Attorney's office to draft the necessary Ordinance(s).

Representative Escobar was not present for the vote.

Representative Cobos inquired the reason for this project since this was on the books thirty (30) years ago. He added that residents have stated that they rather deal with the bottling than opening it for traffic.

Mr. Ed Drusina, Director of Municipal Services, and Ms. Patricia Aduato, Director of Planning, Research and Development, answered to questions from Council Members and made comments.

Ms. Rene Clarkson, citizen, commented.

Ms. Susan Martinez, citizen, expressed her concerns as thirty-seven (37) acres are in New Mexico and Texas has no legislation on what they put on that land. She commented on the traffic for minor arterials.

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The City Clerk read the following item into the record: Discussion and action to direct City staff to prioritize work on an amendment to the El Paso Municipal Code regarding nuisance regulations as related to animals.

See discussion on pages 15 through 16.

- Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to:
- delete the item
 - refer the matter to the City of El Paso Health Legislative Review Committee after it has been approved by the El Paso City-County Board of Health
 - and bring the proper amendments back to the City Council in 150 days or the nearest City Council Meeting to the 150 days.

NOTE: This item was taken together with the following item - An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, Chapter 20.02 (General Provisions and Definitions), Article II. (Definitions), by amending Sections 20.02.02.408 (Kennel) to delete the number of animals permitted on a premises. The penalty being as provided in Section 20.68.010 of the Code.

A RESOLUTION THAT THE CITY OF EL PASO CONSENT TO ANNEXATION OF PARTICULAR LANDS BY THE EL PASO COUNTY WATER AUTHORITY AS REQUESTED JOINTLY BY EASTLAKE 30 HOLDINGS, RODMAN GROWTH 30, AND COLONY PARTNERS EAST FOR CERTAIN LANDS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF EL PASO, TEXAS

WHEREAS, Eastlake 30 Holdings, Rodman Growth 30, and Colony Partners East, together being a majority in value of the holders of title of the land within the area proposed for annexation by the El Paso County Water Authority have requested consent for such annexation for Lands located in El Paso's Extraterritorial Jurisdiction (ETJ) pursuant to provisions of Chapters 49 and 54, Texas Water Code and Section 42.042 of the Texas Local Government Code for the purpose of providing water and wastewater facilities; and

WHEREAS, a resolution approving such consent to annexation of land in the City's ETJ by the El Paso County Water Authority must be passed by the City Council of the City of El Paso, Texas prior to annexation of such land by the El Paso County Water Authority;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

THAT, pursuant to the provisions of the Texas Water Code and the Texas Local Government Code, the City of El Paso, Texas hereby consents to annexation of the Land in the City of El Paso's Extraterritorial Jurisdiction by the El Paso County Water Authority for the purpose of providing water and wastewater facilities for the Lands, which are more fully described in the attached metes and bounds descriptions identified as Exhibit "A" and made a part hereof by reference.

This authorization for consent to annexation of the Land in the City's ETJ made herein by the City of El Paso is given, subject to the following conditions:

1. All facilities located on the Land must be constructed in accordance with plans and specifications approved by the City, through its Public Service Board, for water and wastewater facilities, and by the City for drainage facilities; such approval not to be unreasonably withheld, and to be acted upon within 45 days after submission of same to the City.
2. The City, as well as the PSB, respectively, shall have the right to inspect all such facilities constructed on the land;
3. The City shall review and approve the Districts' bonds and notes for facilities necessary to provide water, wastewater or drainage service to the Land prior to issuance and may place restrictions on the terms and provisions of such bonds and notes issued to provide service to the Land and conditions on the sale of bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes unmarketable, not to be unreasonably withheld and such action to be taken within 30 days after written request by the district.
4. Any bonds or notes sold or issued by the District for the provision of service to the Land shall be limited to the financing, purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvement facilities, plants, equipment and appliances necessary to:

- a. provide a water supply for municipal, domestic, or commercial purposes;
- b. collect, transport, process, dispose of and control all domestic, industrial or commercial wastes whether in fluid, solid, or composite state; and
- c. gather, conduct, divert and control local storm water or other local harmful excesses of water in the districts and the payment of organization expenses, as well as both interest and operational expenses during construction.

5. Consent by the City of El Paso to annexation of the Land by the El Paso County Water Authority shall expire 2 years from the date of adoption of this resolution for any portion thereof should that portion of the Land not be fully annexed by the El Paso County Water Authority for the purposes providing water and wastewater facilities within that time.

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars and stated that the City Plan Commission (CPC) and the Developing Coordinating Committee (DCC) voted unanimously in favor.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representatives Escobar and Sariñana were not present for the vote.

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No action was taken on the Quarterly Report on Budget from Chief Financial Officer.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, made a presentation (on file in the City Clerk's Office).

Mayor Caballero commended Mr. Chapman for the sound financial condition the City is in as oppose to other cities facing financial problems after the terrorist attacks of September 11, 2001.

Mr. Chapman, gave examples of what could happen if budget is not adopted.

Representative Cobos asked about the interest income and expense and if it would be refundable.

Mr. Chapman replied that interest income is at a low 2%, refund is at \$55 million.

Representative Cook added that the interest income is \$675,000 and interest expense is \$4.5 million.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the Professional Service Agreement between the CITY OF EL PASO and the NATIONAL LANDFILL GAS CONSORTIUM (NLGC), to extend the term of the Agreement and increase the maximum fees and expenses.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, gave the particulars.

Mayor Caballero and Representative Cook commended Mr. Larry Gonzalez, EPA, for his work.

Mr. Larry Gonzalez, EPA, explained that the City is competing with other cities such as California and Ohio on using landfill for electricity and other things.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a License Agreement with Physicians Healthcare Associates (PHA) for the City to provide space on City property for PHA to operate health care clinics for active, non-uniformed city employees, active duty police officers, retirees and firefighter retirees enrolled in the City's Self Funded Health Benefit Plan and to allow the inclusion of firefighters if a Memorandum of Understanding is executed between the City and Local 51, International Association of Firefighters.

NOTE: Resolution was revised to add "Retired Fighters".

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECRETION CENTER
DEPARTMENT ID: 51510131, ACCOUNT 502214**

- | | | |
|----|--------------|-------------------------------------|
| 1. | CONTRACTOR: | Jose A. Aleman, Aerobics Instructor |
| | DATES: | January 7, 2003, thru May 30, 2003 |
| | RATE PER CL: | \$9.55 |
| | MAXIMUM AMT: | \$1,203.30 |
| | CONTRACT: | 2002/2003-083 |
| 2. | CONTRACTOR: | Katie Muñoz, Gymnastics Instructor |
| | DATES: | January 7, 2003, thru May 29, 2003 |
| | RATE PER CL: | \$9.55 |
| | MAXIMUM AMT: | \$840.40 |
| | CONTRACT: | 2002/2003-084 |
| 3. | CONTRACTOR: | Alberto Torres, Yoga Instructor |
| | DATES: | January 7, 2003, thru May 30, 2003 |
| | RATE PER CL: | \$9.55 |
| | MAXIMUM AMT: | \$1,203.30 |
| | CONTRACT: | 2002/2003-085 |

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 502214

4. CONTRACTOR: Irma Romero, Aerobics Instructor
DATES: January 7, 2003, thru April 30, 2003
RATE PER CL: \$10.00
MAXIMUM AMT: \$720.00
CONTRACT: 2002/2003-088

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Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on City Council's continued support of Channel 44 remaining on Time Warner's cable basic service line.

Ms. Rita Rodriguez, City Attorney, advised Council it would not be feasible to discuss this since Channel 44 and Time Warner are currently in litigation.

Representative Medina explained that both parties have requested postponement as they have scheduled a meeting this coming Friday.

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Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:13 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

A. Bid No.: 2002-208 Household Hazardous Waste Disposal Services (Rebid)
Award to: Rinchem Company, Inc.
Dallas, Texas
Item (s): All
Amount: \$65,000.00 (estimated annually)

Department: Solid Waste Management
Funds available: 34010289-40403-502215
Funding source: Outside Contracts
Total award: \$65,000.00 (estimated annually)

Solid Waste Management and Purchasing recommend award as indicated, as this vendor has provided the Best Value Procurement and meets specifications.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one (1) additional year. (551.071)

Motion made Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:24 p.m., during which time motions were made as follows:

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